

Notice of Allowability

Application No.

09/731,141

Examiner

Thomas K. Pham

Applicant(s)

SEXTON, DANIEL W.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/19/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 20 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

While Papadopoulos (Patent No. 6,282,454) discloses an interface between an industrial control system and a Web browser coupled to an Internet for providing remote access to information and data contained in the industrial control system having a programmable logic controller (PLC). The system includes a web server that provides a direct connection from the PLC to the Internet by plugging a web server into a back plane of the PLC. Papadopoulos does not teach any configuration of a local server to communicate with the PLC via a local area network (LAN) and to convert an Internet protocol into a protocol compatible with the PLC.

Worley (Patent No. 6,651,190) teaches a remote maintenance device for monitoring and controlling a host computer and its operating system. The system includes an organization of communication links from a remote computer station to a remote maintenance controller with a wireless connection that connects to a wireless Internet Service Provider or a conventional cell phone provider so that a remote technician can perform diagnostic services anywhere a wireless connection is available. Worley does not teach configuring a local server to communicate with a PLC via a local area network.

And Ying (newly cited Patent No. 6,757,521) teaches a system for monitoring, controlling, and/or testing a control network using portable, wireless diagnostic equipment. The portable electronic diagnostic equipment is programmed to allow for diagnosis and testing of a control network. Each wireless ground station communicates wirelessly using radio frequency

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(RF) communication technology. Ying does not teach any communication over the Internet or configuring a local server to communicate with a PLC via a local area network.

None of these references taken either alone or in combination discloses a method and device for controlling and monitoring an industrial controller using a portable wireless device having all the claimed features of applicant's instant invention, specifically including: configuring the local server to communicate with a PLC via a local area network and to convert an Internet protocol into a protocol compatible with the PLC; and other limitations related to these features in combination with the remaining elements and features of the claimed invention. Also, there is no motivation to combine the references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner


June 9, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600